

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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Gigantic Marketing, Inc.,

Plaintiff,  
- against -

Margeotes Fertitta Powell LLC., d/b/a  
We Are Gigantic, et al.,

Defendants.  
----- -x

07 Civ. 6400 (PAC)  
ORDER OF DISCONTINUANCE

HONORABLE PAUL A. CROTTY, United States District Judge:

The Court having been advised that the parties reached an agreement in principle to resolve this action<sup>1</sup>, it is,

**ORDERED**, that the above-entitled action be and hereby is discontinued, without costs to either party, subject to reopening should the agreement not be consummated within thirty (30) days of the date hereof. The Court will sign a stipulation of dismissal upon receipt from either party. In light of the agreement in principle, the January 7, 2008 Pretrial Conference is adjourned "sine die".

Dated: New York, New York  
January 4, 2008

SO ORDERED

  
PAUL A. CROTTY  
United States District Judge

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<sup>1</sup> See the January 3, 2008 letter (attached) signed by both parties.

**DARBY &  
DARBY**

INTELLECTUAL PROPERTY LAW

NEW YORK  
7 WORLD TRADE CENTER  
2300 HUNTERTON STREET  
NEW YORK, NY 10047-0007  
TEL 212.527.7700  
FAX 212.527.7701  
www.darbylaw.com

NEW YORK  
SEATTLE  
WASHINGTON, D.C.  
SAN JOSE  
PALM BEACH GARDENS  
FRANKFURT

January 3, 2008

Reference: 21172/6003187-000

VIA FACSIMILE 1-212-805-6304

AMY J. BERENSON  
PRINCIPAL  
212.527.7695  
abenjamin@darbylaw.com

Hon. Paul A. Crotty  
United States District Judge  
United States Courthouse  
500 Pearl St., Room 735  
New York, NY 10007

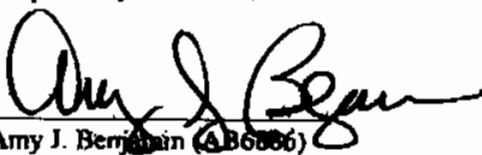
Re: *Gigantic Marketing Inc. v. Margeotes Feritta Powell LLC*, Case No. 07-CV-6400 (PAC)(RLE) (S.D.N.Y. filed July 13, 2007)

Dear Judge Crotty:

We are pleased to report that the parties have reached an agreement in principle to resolve this action.

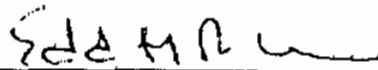
A status conference is currently scheduled for Monday January 7 before Your Honor. In light of the settlement, the parties request that the case be conditionally dismissed with leave to reopen in 30 days. This should give the parties sufficient time to finalize their agreement and submit a Stipulation of Dismissal. There have been no prior requests to adjourn this date.

Respectfully submitted,



Amy J. Berenson (AB6006)  
Atul R. Singh (AS0873)  
DARBY & DARBY PC

Attorneys for Plaintiff  
Gigantic Marketing Inc.



Edward H. Rosenthal (ER8022)  
Cameron A. Myler (CM7942)  
FRANKFURT KURNIT KLEIN &  
SELZ PC

Attorneys for Defendants  
Margeotes Feritta Powell LLC dba  
WeAreGigantic, Neil Powell and  
MDC Partners Inc.

AJB:ars

MEMO ENDORSED

MEMO ENDORSED